

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TYRONE PRATT,

Petitioner,

vs.

Case No. 04-80259

UNITED STATES OF AMERICA,

HON. AVERN COHN

Respondent.

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**ORDER DENYING MOTION UNDER RULE 59(e) FOR RECONSIDERATION**

I.

This is a habeas case under 28 U.S.C. § 2255. Petitioner Tyrone Pratt, a federal prisoner, claimed he is incarcerated in violation of his constitutional rights. Specifically, Petitioner claimed (1) that he was deprived of his Sixth Amendment right to effective assistance of counsel and (2) that his sentence is illegal due to erroneous calculations of the sentencing guidelines. The Court denied the motion on the merits. See Memorandum and Order Denying Motion under 28 U.S.C. § 2255, filed November 21, 2008. Before the Court is Petitioner's motion under Fed. R. Civ. P. 59(e). For the reasons that follow, the motion is DENIED.

II.

Although Petitioner brought his motion under Fed. R. Civ. P. 59(e), he requests reconsideration of the Court's November 21, 2008 order. Therefore, his motion is properly construed as a motion as a motion for reconsideration under E.D. Mich LR 7.1(g), which provides in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Petitioner fails to satisfy this standard. While Petitioner says that the Court erred in failing to consider his claims related to his sentence, the Court did address every ground asserted by Petitioner and rejected them on the merits. Petitioner's motion presents the same arguments previously considered and rejected by the Court. There is no grounds for reconsideration.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2008

I hereby certify that a copy of the foregoing document was mailed to Tyrone Pratt, 17850-039, USP Hazelton, U.S. Penitentiary, P.O. Box 2000, Bruceton Mills, WV 26525 and the attorneys of record on this date, December 19, 2008, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160